

SENATE BILL 1509

By Bailey

AN ACT to amend Tennessee Code Annotated, Title 5;
Title 6; Title 7; Title 8 and Title 38, relative to law
enforcement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 38-8-107, is amended by adding the following new subsection:

(f)

(1) The commission shall also issue a certificate of compliance to any person employed as a nonprofit property owners' association police officer; provided, that the person meets the qualifications for employment as a police officer and satisfactorily completes an approved recruit training program as required by this part. To retain such certification, the nonprofit property owners' association police officer shall also successfully complete an annual in-service training session appropriate for the officer's rank and responsibilities.

(2) For purposes of this subsection (f), "nonprofit property owners' association" means an entity that:

(A) Has received a determination of exemption from the internal revenue service under the Internal Revenue Code § 501(c)(4) (26 U.S.C. § 501(c)(4));

(B) Maintains more than one hundred (100) miles of roadway;

(C) Owns and operates a water or sewer distribution service;

(D) Appropriates funds to support a nonprofit volunteer fire department or a police department;

- (E) Manages trash pick-up services;
- (F) Funds, operates, and maintains at least one (1) park, recreation facility, walking trail, and dog park; and
- (G) Is a census designated place according to the 2020 federal census.

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 3, Part 1, is amended by adding the following as a new section:

(a) A nonprofit property owners' association, as defined in § 38-8-107(f)(2), may employ and commission police officers for the property located within the association under the conditions of this section; provided, that the sheriff of the county in which the association is located has appointed the police officer as a special deputy in accordance with § 8-8-212.

(b) The sheriff of the county in which the association is located shall define any geographical limitation on the exercise of police power of the special deputy.

(c) A person shall not be appointed as a special deputy or be commissioned as an association police officer under this section unless the person proves to the sheriff of the county in which the association is located that the person's financial responsibility is in accordance with the terms of § 8-8-303(c) and the person has successfully completed the certification requirements of the POST commission, or at least the equivalent of such certification.

(d) This section does not entitle the nonprofit property owners' association police officer to any public funding for training or otherwise.

(e) A police officer employed by the association and satisfying the requirements of this section is authorized to access the National Crime Information Center (NCIC) in the performance of the officer's official duties as a police officer.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.